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China, People's Republic of

Food and Agricultural Import Regulations and Standards

Fruit Entry Quarantine Regulations

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Report Highlights:

This is an UNOFFICIAL English translation of the People's Republic of China *Fruit Entry Quarantine Regulations* and should be used as a guide only. Exporters should carefully discuss regulations and their application with Chinese importers to ensure that their interpretation of the regulations is accurate.

Includes PSD changes: No
Includes Trade Matrix: No
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This report was prepared by the Office of Agricultural Affairs of the USDA/Foreign Agricultural Service in Beijing, People's Republic of China for U.S. exporters of domestic food and agricultural products. While every possible care was taken in the preparation of this report, information provided may not be completely accurate either because policies have changed since its preparation, or because clear and consistent information about these policies was not available. It is highly recommended that U.S. exporters verify the full set of import requirements with their foreign customers, who are normally best equipped to research such matters with local authorities, before any goods are shipped. FINAL IMPORT APPROVAL OF ANY PRODUCT IS SUBJECT TO THE IMPORTING COUNTRY'S RULES AND REGULATIONS AS INTERPRETED BY BORDER OFFICIALS AT THE TIME OF PRODUCT ENTRY.

Summary

This Regulation applies to imported fresh fruits and tomatoes, eggplants, and the genus *Capsicum* and relevant packaging. The Regulation details the quarantine application, quarantine inspection, and quarantine supervision procedures for importers of the above mentioned items. The State Administration for Entry-Exit Inspection and Quarantine (CIQ) has now merged with the State Administration for Quality Supervision, Inspection, and Quarantine (AQSIQ). Provincial level offices or port CIQ's have not completed this merger. AQSIQ and the port CIQ have statutory responsibility for this regulation.

Fruit Entry Quarantine Regulations

(Unofficial Translation) The "Quarantine Regulations for Fruit Entry" is effective January 1, 2000. Signed by Li Changjiang, Chief Administrator, State Administration for Entry-Exit Inspection and Quarantine.

Chapter One: General Provisions

Article 1: These rules are formulated in accordance with "The Law of the People's Republic of China on the Entry and Exit of Animal and Plant Quarantine" for the purpose of preventing harmful organisms dangerous to plants from entering and spreading into China, and protecting the safety of fruit production, as well as human health.

Article 2: These rules apply to the entry quarantine of fresh fruits, tomatoes, eggplants, and the genus *Capsicum*.

Article 3: The State Administration for Entry-Exit Inspection and Quarantine of the People's Republic of China shall conduct overall administration of the entry and exit quarantine for the entire country. The port entry and exit inspection quarantine administration (the port CIQ), established by CIQ, shall be in charge of quarantine inspection and supervision in their respective administrative district.

Article 4: The import of fruits from Mediterranean fruit-fly infected countries or regions shall be prohibited. First time entry of fruits from non-epidemic areas shall not be allowed to enter the country until a pest risk analysis has been conducted and a quarantine protocol has been signed with the exporting country.

Article 5: The import of fruits by carriers or mail is prohibited unless otherwise stated by law.

Chapter Two: Quarantine Examination and Approval

Article 6: The importer (or his or her agent) shall apply for quarantine inspection before the fruits may enter

China and shall perform the pre-requisite formalities for examination and approval prior to finalizing the trade contract agreement.

Article 7: Only when the following requirements are met can an application for quarantine inspection and approval be processed:

1. There is no severe epidemic occurring in the exporting country or region;
2. The application conforms with the relevant provisions and laws of the People's Republic of China for the Entry and Exit Animal and Plant Quarantine;
3. The application conforms with the relevant bilateral quarantine agreements, including the quarantine protocol, memorandum, etc. between China and the exporting country.

Article 8: The formalities of quarantine inspection for fruits entry are:

1. The importer (or his or her agent) shall complete “The Application for the License of CIQ on Entry Animal and Plant Quarantine” prior to applying to CIQ. With the consent of the port CIQ, entry fruits for the purposes of trade exhibitions must be located in an exhibition area. Entry fruits for use and sale on direct or transit trains and ships, pre-customs duty free shops, or foreign-invested hotels, must be approved by the port CIQ.
2. CIQ will issue a “CIQ License for Entry Animal and Plant Quarantine” for entry fruits that pass quarantine inspection. CIQ will not issue the license, but will notify the applicant of the reason(s), for entry fruits that fail quarantine inspection,.

Article 9: When entry fruits pass quarantine inspection and are involved in any of the following circumstances, the importer (or his or her agent) shall re-apply for quarantine inspection:

1. The species of the entry fruit is changed or the quantity is increased;
2. The importing country or region is changed;
3. The entry port is changed;
4. The stipulated validity period of quarantine is expired.

Chapter Three: Entry Quarantine

Article 10: The importer (or his or her agent) shall submit an application for quarantine inspection to the port CIQ prior to or upon entry of the fruit and apply for the “CIQ Certificate for Entry Animal and Plant Quarantine.” The importer (or his or her agent) shall present documents: such as a phyto-sanitary certificate issued by the animal and plant quarantine office of the exporting country or region, the certificate of origin, the contract, and the invoice.

Article 11: The CIQ entry port can either return or destroy entry fruit that is not accompanied by a phyto-sanitary certificate issued by the animal and plant quarantine office of the exporting country or region and that has not gone through quarantine inspection procedures in compliance with the law.

The importer of fruits purchased in the Special Administrative Region (SAR) areas of Hong Kong and Macao shall apply for quarantine inspection and present the above-mentioned relevant documents. If no phyto-sanitary certificate issued by the exporting country or region can be presented, then a certificate issued by the Hong Kong or Macao agriculture quarantine authorities, validated by CIQ, shall be issued.

Due to the limitations of small-volume border trade, if no plant quarantine certificate can be presented, advance approval by the directly affiliated entry quarantine office shall be required for small-volume cross-border entry

of fruits.

Article 12: The entry fruits quarantine shall be determined by the following:

1. The Chinese laws and regulations on plant quarantine;
2. The bilateral agreements signed by the Chinese government and the exporting country or region;
3. The agreements signed by CIQ and the plant quarantine departments of the exporting country or region, including protocols and memorandums;
4. The quarantine requirements for the quarantine license;
5. The quarantine requirements stipulated in the trade contract.

Article 13: Upon entry, fruits shall conform to the following quarantine requirements:

1. Comply with the relevant bilateral quarantine agreements signed by China and the exporting country or region;
2. Be free of harmful organisms that are dangerous to plants and prohibited from entry into China, as well as any branches, leaves, and soil;
3. Be imported in the original packaging with clear identification of the production area;
4. Comply with other requirements or bilateral agreements

Article 14: When performing quarantine inspection, CIQ shall verify that goods correspond to the respective documents from loading; CIQ shall take random samples in compliance with relevant procedures and standards, and after verification, release the fruits by species, quantity, and quality.

Article 15: Indoor quarantine inspection shall be conducted in compliance with the relevant procedures and standards for fruit production area, species, possibility of carrying diseases or insects/pests. After quarantine inspection, a “Laboratory Report of the Quarantine Inspection” shall be completed.

Article 16: The possible results after entry fruits have gone through quarantine inspection are:

1. Fruits that pass quarantine inspection shall be issued “The CIQ Customs Pass” and shall be permitted to enter China.
2. Fruits that are found with harmful organisms dangerous to plants, or with insects and pests that exceed standard limits after quarantine inspection shall receive disinfections and de-infestations treatments. After treatment, qualified fruits shall be allowed to enter China. Fruits that fail to pass quarantine or have not gone through disinfection or de-infestation shall be returned or destroyed.
3. Necessary preventive measures shall be taken when a severe epidemic is discovered. The epidemic shall be reported to CIQ immediately.

Chapter Four: Quarantine Supervision

Article 17: CIQ shall adopt a registration system for foreign orchards, packing houses, and storage warehouses that export fruits to China.

CIQ, when necessary and with the approval of the exporting country and region, shall dispatch quarantine personnel to fruits production areas to carry out pre-quarantine inspection, supervise packing, or conduct a survey of the epidemic situation in the fruits production area.

Article 18: Fruits from an epidemic area used for trade exhibitions shall submit an application to CIQ for

special quarantine approval. During the trade exhibition(s), fruits must undergo supervision by the port CIQ and cannot be used for other purposes, given as gifts, sold, and/or be transited without authorization. Abandoned fruits shall be handled under the supervision of the port CIQ.

Article 19: Entry fruits for sale on Hong Kong and Macao direct transit trains or boats shall be packaged in sealed bags that are made under the supervision of the port CIQ. When carried by passengers entering China, these bags shall be examined and quarantine personnel may take testing samples, as needed.

Article 20: Entry fruits for sale at pre-customs duty-free shops shall be packaged in sealed bags that are made under the supervision of the port CIQ and shall be subject to supervision by the port CIQ.

Article 21: During their stay in China's boundary, personnel on international aircraft, trains, and vessels shall not carry fruits intended for meals out of their transportation carrier. Abandoned peels and pits, as well as waste, shall be disinfected under the supervision of the port CIQ. Fruits from an animal and plant epidemic area found on board vessels, aircraft, and/or trains, shall be sealed or destroyed. When sealed, fruits shall not be opened for use during their stay in China or in transit without permission of the port CIQ.

Article 22: In specific situations, CIQ shall designate the relevant port CIQ to conduct quarantine supervision of transit fruits.

Article 23: The CIQ shall carry out epidemic monitoring at airports, ports, railway stations, warehouses, processing factories, etc. or anywhere transit of goods is possible. No one can remove or damage the epidemic monitoring devices without permission of the port CIQ.

Chapter Five: Supplementary Provision

Article 24: Rule violations shall be penalized in accordance with The Law of the People's Republic of China for the Entry and Exit of Animal and Plant Quarantine and its implementing regulations.

Article 25: CIQ shall be in charge of interpreting the Rules.

Article 26: Rules shall be effective from January 1, 2000. The Quarantine Rules of Entry Fruit (for Trial Implementation) promulgated by Chinese Animal and Plant Quarantine on September 12, 1998 shall be annulled as of the same date.